

REMARKS

In response to the Office Action dated October 22, 2004, claims 1, 4, 5-7, 9, 13-15 and 17-20 have been amended. Claims 1-20 are in the case. The Applicants respectfully request reexamination and reconsideration of the present application.

Record is made of a telephonic phone call from Applicants' attorney Edmond A. DeFrank to Examiner T. Phan. The Office Action of October 22, 2004, the cited references and the pending claims were mentioned. A proposed amendment modifying the independent claims was mentioned during the call. The above amendments to the claims reflect the topic mentioned during the call made by the Applicants' attorney.

The Office Action rejected claims 1-20 under 35 U.S.C. 103(a) as allegedly being unpatentable over Hayden (U.S. Patent No. 6,018,771) in view of Paul (U.S. Patent No. 6,687,817).

The Applicants respectfully traverse these rejections based on the amendments to the claims and the arguments below.

Specifically, Hayden in combination with Paul clearly does not disclose the Applicants' claimed sharing information about the selected multicast address between the file server and a boot negotiation server, wherein the boot negotiation server and the file server are separate computer devices. Support for these amendments to the claims is found in paragraph [0042] with reference to FIG. 3 which shows boot negotiation servers (1) to (N) and a management protocol module 222 containing the protocol of the present invention. Also shown is the client system 300 with a plurality of client machines including client (1), client (2), client (3) up to client (N), an address server platform 315, and a plurality of multicast file server platforms (numbered (1) to (N)), which are used to multicast a bootfile to a requesting client.

Although the Office Action stated that Paul discloses the elements of claim 4 (see paragraph 13 of the Office Action), the Applicants respectfully traverse for the following reasons. The Office Action references a section in Paul (col. 6, lines 29-46 and Figures 4-7) that, in the Applicants' opinion, does not support the statement

made by the Examiner that "...the file server process and at least one of a plurality of boot server processes are located on different machines."

Rather, Paul explicitly states "[O]nce a configuration computer 700 anywhere on the network 760 responds that a configuration is pending, the multicast configuration program 750 enters a multicast listening state. It listens until a specific configuration object is received, containing TCP/IP configuration information. Once the multicast configuration program 750 receives this object, it updates the operating system network configuration data 755 and resumes the operating system boot process with the new TCP/IP information already stored and available." Further, FIG. 7 of Paul shows that the multicast socket 740, boot software 745 and multicast configuration 750 all reside on the same computer (element 730), unlike the Applicants' sharing information about the selected multicast address between the file server and a boot negotiation server, wherein the boot negotiation server and the file server are separate computer devices.

This allows greater fault tolerance and robustness in the event of certain system and software failures.

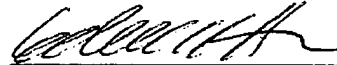
For example, as shown in FIG. 7 of Paul, since the multicast socket 740, boot software 745 and multicast configuration 750 all reside on the same computer (element 730), if the only boot software 745 on the intranet fails, then client will not be able to obtain necessary boot information and will be unable to boot. Moreover, if the single configuration computer 700 of Paul that contains both the boot negotiation server process and the file server process stops working, then clients also will be unable to boot. These two limitations of Paul's pre-boot techniques, among other things, severely limits the effectiveness and usefulness of multicasting, unlike the Applicants' claimed invention, which has the boot negotiation server and the file server located on separate computer devices. Thus, the failure of the cited reference to disclose, suggest or provide motivation for the Applicant's claimed invention indicates a lack of a prima facie case of obviousness (*MPEP 2143*).

With regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on the same basis.

(MPEP § 2143.03).

In view of the arguments and amendments set forth above, the Applicant respectfully submits that the claims of the subject application are in immediate condition for allowance. Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly request the Examiner to telephone the Applicants' attorney at (818) 885-1575.

Respectfully submitted,
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